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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SOTOMAYOR, JOHN

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,923

Applicant(s)

HOLTZ ET AL. *CH*

Examiner

John L. Sotomayor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 13-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

In response to the amendment filed 1/27/2003, claims 1-12 and the newly added claims 13-43 are pending.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-12, drawn to a system for training individuals over a network connection, classified in class 434, subclass 362.
 - II. Claims 13-15 and 21-27, drawn to a method for managing training sessions, classified in class 706, subclass 50.
 - III. Claims 16-20, drawn to a method for interactive training, classified in class 434, subclass 322.
 - IV. Claims 28-43, drawn to a production training system and method, classified in class 348, subclass 722.
2. The inventions are distinct, each from the other because of the following reasons:
3. Inventions Group I, Group II, Group III and Group IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as the use of network interconnectivity to provide interactive instruction to a user which may cover a plurality of topics, not just media production. In the instant case, invention Group II has separate utility such as the management of sessions that train users for a plurality of activities, not just media production. In the instant case, invention Group III has

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separate utility such as training users in an interactive manner concerning a plurality of topics, such as history or math, in addition to, or in place of, education concerning media production. In the instant case, invention Group IV has separate utility such as training individuals in the production aspects of interactive media. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Newly submitted claims 13-43 are directed to inventions that are independent or distinct from the invention originally claimed for the following reasons: The originally claimed invention was directed toward a method of training over a network connection. The new claims are for separate inventions directed toward the management and production of interactive training systems and methods.

6. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13-43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims each state that the invention “pertains” to “producing live or on-demand broadcasting”, but do not specify how the tutorial processing system and method pertain to broadcasting.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being unpatentable over Owens et al (US 6,315,572) in view of Peters (US 5,577,190).

14. Regarding claim 1, Owens et al discloses a networked system for sending lessons to a plurality of students to be displayed at a remote site with bi-directional means of communicating with the student (Col 5, lines 20-33 and Fig.1), a multimedia production means for communicating with production devices in response to a signal from the tutorial processing means or client apparatus (Col 5, lines 34-50), and network communication means for supporting bi-directional communications with the user (Col 25, lines 27-41). Owens et al does not specifically disclose that the system involves producing live or on-demand broadcasting for tutorial processing. However, Peters teaches a system for storing and editing video source material for broadcast over a networked system (Col 4, lines 42-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to produce a system for sending lessons to a plurality of students to be displayed at a remote site with bi-directional means of communicating with the student, a multimedia production means for communicating with production devices in response to a signal from the tutorial processing means or client apparatus, and network communication means for supporting bi-directional communications with the user that was capable of producing live or on-demand broadcasting material for tutorial

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processing. Combining the system disclosed by Owens et al with the teaching of Peters provides an interactive tutorial system with a capability to produce and distribute tutorial material in a timely fashion for all users of the system.

15. Regarding claim 2, Owens et al discloses an authoring system for the generation of testing multimedia files that are delivered to the student (Col 5, lines 34-42), an evaluation means for determining the performance of the student on the test (Col 5, lines 61-67 and Col 6, lines 1-2), and post-test guidance through a feedback from the student's performance and the delivery of study guides on a demand basis (Col 15, lines 43-55).

16. Regarding claims 3 and 12, Owens et al discloses a system and method of computerized authoring, learning and evaluation that supports bi-directional communication via network means, including the Internet (Col 25, lines 27-57).

17. Regarding claim 4, Owens et al discloses a learning system with an authoring method that allows the generation and transmission over networked communications of lesson and testing materials (Col 5, lines 20-51), receiving data from the student in response to the transmission of such materials and processes the data according to programmed instructions (Col 5, lines 57-66), and providing feedback to the student (Col 15, lines 43-55). Owens et al does not specifically disclose that the lesson sent to the student contains an assignment to prepare pre-production instructions to operate a media production device, or a lesson for producing live or on-demand broadcasting. However, Owens et al describes an authoring system in which multimedia files are linked to one another by context or relation (Col 5, lines 52-56) and shows that the authoring system has a built in relationship generator for use after a topic for a lesson has been selected (Col 11, lines 62-67 and Col 12, lines 1-18). Peters teaches a system for storing

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and editing video source material for broadcast over a networked system (Col 4, lines 42-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to produce a lesson with an assignment to the student to prepare pre-production instructions for a media production device if the media device were the topic chosen and presented to the authoring system and provide lessons for producing live or on-demand broadcasting dissemination. Combining the system disclosed by Owens et al with the teaching of Peters provides an interactive method with a capability to produce and distribute tutorial material in a timely fashion across the online network.

18. Regarding claim 5, Owens et al discloses an authoring system in which multimedia files are linked to one another by context or relation (Col 5, lines 52-56) and shows that the authoring system has a built in relationship generator for use after a topic for a lesson has been selected (Col 11, lines 62-67 and Col 12, lines 1-18). Owens et al does not specifically disclose that the authoring system defines directions to prepare a script or a set of media production commands for the script. However, text information in script format is one of the objects used by a lesson to convey conceptual information as provided to the student by the authoring system along with media commands associated with the text script (Col 7, lines 51-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide an authoring system with multimedia capabilities capable of producing directions to prepare a script and media production commands corresponding to said script.

19. Regarding claim 6, Owens et al discloses an authoring system in which multimedia files are linked to one another by context or relation (Col 5, lines 52-56) and shows that the authoring system has a built in relationship generator for use after a topic for a lesson has been selected

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(Col 11, lines 62-67 and Col 12, lines 1-18). Owens et al does not specifically disclose a system with a set of media commands that includes transmit multimedia segments, assign transition effects, send text to a teleprompting means, and control camera shots. However, Peters teaches a network capable media editing system with adjustable source material that includes the generation of media commands such as motion effects, text effects and transition effects, including control commands to execute the effects (Col 8, lines 33-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a multimedia lesson authoring system with the capability to produce media production commands that includes transmit multimedia segments, assign transition effects, send text to a teleprompting means, control camera shots, and control commands to automatically execute the effects in the production of media material. Modifying the authoring system disclosed by Owens et al with the capability taught by Peters provides a more robust system for the production and dissemination of network multimedia production.

20. Regarding claim 7, Owens et al discloses an authoring system in which multimedia files are linked to one another by context or relation (Col 5, lines 52-56) and shows that the authoring system has a built in relationship generator for use after a topic for a lesson has been selected (Col 11, lines 62-67 and Col 12, lines 1-18). Owens et al does not specifically disclose that multimedia production lessons built by the authoring system comprise text, video graphics and animation related to a media production topic. However, Owens et al does disclose an authoring system capable of using text, sound and graphics such as digitized images, still and moving images relating to a central topic (Col 5, lines 37-40) and capable of allowing a user to selectively broaden a user's knowledge of a selected area (Col 6, lines 5-8) for use in preparing

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lessons and tests to be sent over networked means to a user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the capability to produce media production lessons comprising text, video graphics and animation related to a media production topic and sent over networked means to a user.

21. Regarding claim 8, Owens et al discloses a method for training in which a study guide may be requested and sent to a student covering any data previously sent in a test (Col 15, lines 43-55).

22. Regarding claim 9, Owens et al discloses a system and method in which lesson tests are compiled and sent to students (Col 5, lines 20-34).

23. Regarding claim 10, Owens et al discloses an evaluation means for determining the performance of the student on the test (Col 5, lines 61-67 and Col 6, lines 1-2).

24. Regarding claim 11, Owens et al discloses a method for training in which a study guide may be requested and sent to a student covering any data previously sent in a test based upon previous performance on a test (Col 5, lines 61-66 and Col 15, lines 43-55).

Conclusion

25. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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27. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558. The examiner can normally be reached on 6:30-4:00 M-F.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-308-7768 for After Final communications.

30. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4558.

jls
April 7, 2003


S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700